

THE PARENT COUNCIL OF ST NINIAN'S HIGH SCHOOL

PARENT COUNCIL MEETING

10th OCTOBER 2022

Present: J. Stewart (Joint Chair) ("JS")
S. Reid (Joint Chair) ("SR")
A. Wilmott (Vice-Chair) ("AW")
G. McLaughlin (Church Representative)
Michela Pagliocca
Samantha MacConnell
Katrina Adams
Christopher McLaughlin
Mo Wright
Julie Flaherty
Lynsey O'Dwyer
Jennifer Clare Abalo
Mairead Brophy
Dougie Wilson

Apologies: Chimeze Umeh
Pauline Hessett
Joanne Logan

School: G. O'Neil (Head Teacher) ("Mr O'Neil")
J. Cumming ("JC")
T. Creighton
M. Gallagher
C. Boyle
C McCrea

Councillors Councillor Mary Montague

1. **Welcome**

The Office-Bearers ("OB") welcomed all the Parent Council ("PC") members in attendance and those members of the Parent Forum who had taken time to come along. A warm welcome was also extended to Councillor Mary Montague who had kindly attended this evening. JS led the meeting in an opening prayer.

2. **Apologies**

A note was taken of the PC members in attendance and of intimated apologies.

3. Adjustment/Approval of Previous Minutes

Draft Minutes of the Annual General Meeting and of the PC meeting, both held on 10th September 2022, were tabled for adjustment/approval. A typographical error to a member's name was corrected. No other adjustments were intimated. Both sets of Minutes were approved.

The OB undertook to publish the approved AGM Minutes and Minutes of the PC Meeting on the PC website.

4. Update on Action Points from Previous Meetings

The following updates were noted on the Action Points from previous Meetings:

- 1) Mr O'Neil confirmed that a timetable for Prelim Exams was being prepared by staff and made available to parents (including by being posted on "Teams") shortly. (Some confusion was expressed among the PC members as to whether parents can access information on "Teams".)
- 2) Eastwood Park Development – There is nothing further to report at present. This issue will be carried forward to the next meeting.
- 3) Diocesan Parent Forum – Mr O'Neil confirmed that a copy of the Forum's publication entitled "Centred on Christ" will be made available to parents by being posted on the School's website.

5. School Trips (Residential & Non-Residential)

The OB sought clarification from the HT of the school trips (residential and non-residential) planned in the forthcoming year.

Mr O'Neil explained that various trips were now in advanced stages of preparation. Most were for pupils in S2 to S4. No trips are arranged for S5 as those pupils were focussed on exam preparation.

Mr O'Neil advised that the current planned trips are: (i) two short trips (to London and Liverpool); (ii) one 3 night trip, (iii) a trip to Berlin; (iv) a ski trip to France (January 2023, for S2); (v) a trip to Spain (in place of Ardeche), for S3. A trip for S6 is also being considered but the likely level of participation has not yet been gauged; and a trip to Silicon Valley is being investigated but is likely to be prohibitively expensive.

Mr Creighton advised that a separate trip to Salamanca is being considered for children currently in S5 (going into S6). This would not necessarily be limited only to students studying Spanish.

He also reminded the PC that trips are available under the auspices of the Duke of Edinburgh Award Scheme (with a trip scheduled this year to Arran, due in large measure to Mr Downie's commendable efforts). Pupils can participate in the Duke of Edinburgh Award at any time, either through or outwith the auspices of the School.

The OB advised the PC members that Diocesan Trips are also available (i) to Lourdes (for S3-S6) and (i) to Lisbon, Portugal, for World Youth Day (for children aged over 18). A trip to Lourdes is also available for new University students (who may have missed earlier trips due to lockdowns), though they will have to make their own way to Paris for connecting travel.

6. Fund-Raising – Should the Parent Council assist?

The OB reminded the Meeting that the PC currently has no fund-raising role – nor is there any real appetite, at present, to amend the Constitution in order to assume that onerous responsibility.

Instead, historically, fund-raising has been left to a group known as “The Friends of St Ninian’s” (“FOSN”), comprising of a number of selfless and dedicated teachers and parents.

However, the OB consider that the PC has an obvious interest in ensuring that fund-raising for the School is being pursued to its maximum potential. Besides, the OB are keen to promote the involvement of the wider Parent Forum in assisting the School with fund-raising activities wherever possible, not least as it promotes parental engagement in the School and strengthens a sense of community and belonging.

The OB believe that many parents, who may have little interest in the administrative work of the PC, may nevertheless be keen to volunteer (even an *ad hoc* basis) to support practical, fund-raising events and activities for the School.

For those reasons, the PC has in recent months pursued two objectives:

- (i) It has sought clarification from the School staff as to the status, role and planned activities of FOSN; and
- (ii) It has offered assistance to the School staff (in the form of rallying support, promoting events, enlisting volunteers) for FOSN's activities.

As regards (i):

- Mr Cumming kindly agreed to take initial steps to resuscitate FOSN, which had fallen into abeyance during the pandemic lockdowns. This is understood to remain a “work in progress” (*Minutes of PC Meeting dated 15 June 2022*).
- Mr Cumming has kindly agreed to act as a “liaison member” of FOSN to report back to the PC on FOSN's planned activities (*See Minutes of PC Meeting dated 12 May 2022 & 15 June 2022*).
- Meantime, Mr O'Neil and his staff kindly prepared and published a Calendar of Events setting out forthcoming proposed events (some of which are related to FOSN activities).

As regards (ii):

- The PC awaits requests for assistance.

At this evening's Meeting, the OB drew the attention of the PC Members to a fund-raising initiative known as “easyfundraising”. This is specifically promoted to PCs by CONNECT.

It appears to be an easy way to raise funds for Schools.

The School or the PC (or some other nominated fund-raising body, such as a parent teacher support association) can simply register (for free) with the easyfundraising website or app; parents or supporters then shop on-line as normal with over 6,000

retailers; when parents buy something, the retailer sends the PC (or School or PSA) a donation, at no extra cost. Registered charitable status is not required.

Many of the PC Members spoke enthusiastically in favour of this fund-raising website. A number of members had positive direct experience of it as fund-raisers in feeder primary schools. The initiative was also noted to have the added benefit that children could be encouraged to devise ideas to promote fund-raising, as part of the development of their computer skills or business management skills. (It was observed that parents cannot be “linked” to more than one school, so this may create a conflict of interest for some, if their children attend both primary and secondary schools.)

The PC Members were unanimous that the “easyfundraising” website seemed like an “easy win”, and should be promoted by the School and PC.

Mr O’Neil also agreed that the initiative seemed like a good idea.

He was uncertain whether the School was registered with the “easyfundraising” website, but would check the position and report back to the PC. He conceded that, if the School was so registered, no steps appear to have been taken in recent times to promote it among the Parent Forum.

He suggested that it would be administratively easier for the School to receive the donations direct via the website.

It was agreed that Mr O’Neil would check to see if the School was registered; and, if so, he would revert to the PC to discuss how best to promote the initiative.

AGREED ACTION

The agreed action points were as follows:

- 1. Mr O’Neil will make enquiries to see whether the School is registered with the easyfundraising website; and confirm the position to the PC.**
- 2. Mr O’Neil and PC will consider what steps can and should be taken to promote the easyfundraising initiative.**
- 3. Mr Cumming to report on progress in re-convening meetings of the FOSN, and its planned activities**

7. School Uniform Consultation: Update

The OB tabled, for discussion, a draft letter from SNHS PC to the Scottish Government (“SG”) in response to the SG’s Consultation on Uniform Policy Guidance. The Consultation closes on 14 October 2022.

Views were invited from the PC members.

Most of the PC members were content with the wording of the draft; some expressed concerns regarding the format and specific details of the draft. Overall, a majority was in favour of sending the letter subject to certain specific revisions in the drafting, with one abstention noted.

AGREED ACTION

The agreed action points were as follows:

1. The OB shall make revisals to the letter on specific points of detail and circulate the revised draft for discussion/approval.
2. Subject to majority approval, the OB shall issue the revised letter to the SG prior to the end of the Consultation.

[NOTE: A copy of the final revised letter dated 12th October 2022, as subsequently approved by majority of the PC and issued to the Scottish Government prior to close of the Consultation, is attached in Annex 1.]

7. Health & Well-Being Census: Update

The OB reported to the PC members that CONNECT has recently posted a review on its website reiterating, in fairly trenchant terms, its previous criticism of the Scottish Government's decision to proceed last year with its "Health & Well-Being Census".

The OB also reported that a separate independent body (The Office for Statistics Regulation) has itself now reviewed the Scottish Government's approach to the Census – and has issued a letter to the Scottish Minister identifying multiple deficiencies in the Census.

A copy of the post on CONNECT's website is attached as Annex 2A.

A copy of the letter from the OSR to the Scottish Ministers is attached as Annex 2B.

8. Head Teacher's Report

Mr O'Neill was delighted to report the following to the PC:

- (i) The School has received two Awards - "Excellence in Professional Learning" and "Excellence in Holocaust Education", both presented by the General Teaching Council, following rigorous assessment
- (ii) The School hosted its first Music Concert ("Music from the Movies") within the School building, since the first lockdown. It was well-attended, and was a great success.
- (iii) Two school trips (to London & Liverpool) have now been successfully undertaken, the first such trips since the lifting of lockdown restrictions.
- (iv) Pupils attended the Diocesan Vocations Mass at St Mirin's Cathedral, Paisley.
- (v) Flu Jabs are to be rolled out shortly at the School
- (vi) Meetings for parent "Focus Groups" for S1 have commenced. (The OB asked whether a PC representative should attend such groups, as the composition and views expressed were otherwise not known to the PC. Mr Gallagher assured the PC that the groups are informal; they are focussed on issues surrounding the transition from S1 to S2; and if any material issues were raised, they would be communicated to the PC.)
- (vii) A letter has been issued to parents regarding the School's zero-tolerance attitude to vaping by pupils within the School grounds
- (viii) The first phase of the UCAS process has commenced

9. Parent Questions

The OB tabled the following questions/comments, as received from parents, and invited discussion from the Meeting:

- (i) *“Should children be allowed to wear boots to School?”*

Mr O’Neil emphasised that there is no rule preventing pupils wearing boots or heavy jackets to School (particularly during wet or cold weather) – provided these outdoor garments (jackets/boots) are removed at the School doors and stored (ideally in the lockers, or in bags), and replaced with the prescribed School uniform attire.

Wearing the prescribed School uniform within the School building, during School hours or on School business, brings many benefits, not least in that it assists with pupil management and security.

Therefore, to answer the parental question, boots are not allowed to be worn within the School or on School business. That does not prevent boots being worn outwith the School (or outwith School business) (for example, on the journey to or from School), provided they are removed at the School door and replaced with prescribed uniform footwear within the School building.

The OB observed that a partnership between School and parent was essential. If parents were aware that the School strictly enforced the Uniform Policy, that would assist parents in likewise strictly enforcing the policy with their children.

- (ii) *“What is the School policy on the use of mobile phones during School hours?”*

Mr O’Neill confirmed that there is no “hard rule” or general restriction against mobile phone use by pupils during School hours. In some lessons (such as art) it may well be essential for research purposes. That said, the School does try to encourage pupils to spend time socialising off-line.

10. AOCB

Two issues were noted:

- (i) Mr O’Neil intends to give a presentation at the December PC Meeting on the future of educational qualifications and assessments in Scotland.
- (ii) A PC member suggested that the issue of “prom dress recycling” be considered at the next meeting, as a natural extension to the successful uniform recycling schemes.

The business of the Parent Council Meeting was then concluded.

The next PC Meeting is on **Monday 12th December 2022 at 7pm** in St Ninian’s High School.

**SUMMARY
OF
AGREED ACTION POINTS**

<i>Fund-Raising (Friends of St Ninian's)</i>	<i>Who?</i>	<i>Timescale</i>
1. Mr O'Neil will make enquiries to see whether the School is registered with the easyfundraising website, and confirm the position to the PC.	HT	Dec 22
2. Mr O'Neil and PC will consider what steps can and should be taken to promote the easyfundraising initiative.	HT/OB	Dec 22
3. Mr Cumming to report on progress in re-convening meetings of the FOSN, and its planned activities	Mr C	Dec 22
<i>The Scottish Government's Uniform Consultation</i>		
1. The OB shall make revisals to the draft letter on specific points of detail and circulate the revised draft for discussion/approval.	OB	14 Oct 22
2. Subject to majority approval, the OB shall issue the revised letter to the SG prior to the end of the Consultation.	OB	14 Oct 22
<i>Eastwood Park Development</i>		
1. The OB shall continue to monitor announcements by ERC regarding the proposed leisure centre development.	OB	Ongoing
<i>Diocesan Parent Forum</i>		
1. Mr O'Neil shall arrange for the Diocesan Parent Forum's publication ("Centred on Christ") to be accessible o parents by publication on the School's website.	HT	End Oct 22

ANNEX 1

THE SCOTTISH GOVERNMENT'S
CONSULTATION ON UNIFORM POLICY

THE PARENT COUNCIL
OF
ST. NINIAN'S HIGH SCHOOL

Joint Chair:

J. Stewart
S. Reid

Vice Chair

A. Wilmott

c/o St Ninian's High School
Eastwood Park
Rouken Glen Road
Giffnock
Glasgow

Email: pcstniniangiffnock@gmail.com

The Scottish Government
Support and Wellbeing Unit,
Area 2B North,
Victoria Quay,
Edinburgh,
EH6 6QQ

12th October 2022

Dear Sirs,

Consultation on Statutory School Uniform Guidance

We are grateful for the opportunity to respond to the Scottish Government's Consultation on its proposal to issue "National Guidance" on school uniform policies.

On behalf of the Parent Council of St Ninian's High School, we respond as follows.

What are the benefits of a School Uniform Policy?

Our School is situated within East Renfrewshire Council ("ERC"). For many years, a clearly-defined School Uniform Policy has been promoted and encouraged within East Renfrewshire's schools. This Policy is known as "Dressing for Excellence".

There is substantial parental and public approval of this School Uniform Policy (according to research conducted by ERC as part of the Cost of the School Day Project).

It has very real benefits.

Specifically:

- It instils pride in our schools and contributes to their values
- It promotes a positive and professional work ethic, which leads to raised attainment
- It helps children to see schools as places of learning
- It supports positive behaviour
- It encourages children to identify with, and support, the School's ethos

- It promotes equality
- It protects children from social pressures to dress in a fashionable or expensive way
- It helps to reduce the overall cost of living for families
- It minimises visible differences in socio-economic status
- It nurtures cohesion and promote good relations between different groups of pupils
- It fosters a spirit of partnership among pupils and staff, between home and school, between school and Church parishes, and between school and the wider community
- It contributes to the security and personal safety of our children.

The Parent Council of St Ninian's High School fully supports the "Dressing for Excellence" Policy currently in place within East Renfrewshire.

It promotes equality, creates a positive ethos, and nurtures a sense of belonging.

It works very well.

Is there any need for "National Guidance"?

It is against that background that we consider that there is no need for any "National Guidance" on school uniform policy.

It is not clear why the Scottish Government feels that "Guidance" at a national level is required at all. There is no suggestion in the Consultative Document (still less, vouched evidence) that local education authorities are failing, individually or collectively, in their current uniform policies.

Absent any disclosed justification by the Scottish Government of any pressing need or desire for centralised intervention, we infer, from commentary on the subject, that the proposed "National Guidance" is motivated by a wish to address two key perceived mischiefs:

- A perception that the cost of the school uniform is unduly onerous; and
- A perception that competition for the supply of school uniform items is unduly restrictive.

Whether or not that is correct, we offer the following comments.

1. Local Solutions for Local Needs

Firstly, as a preliminary observation, we consider that local education authorities should be left to devise and apply their own local school uniform policies, free of central government interference.

That is because local education authorities are better placed to understand, and to address, local needs.

While we would commend to other Scottish local authorities the "Dressing for Excellence" Policy advocated so successfully by ERC, it is ultimately a matter for

each education authority to determine what should be done in their own territorial areas, taking account of local demographics, needs, and resources.

Interference from central government should be tolerated only when there is shown to be a genuine need for it.

No such genuine need has been shown to exist.

If central government is allowed to legislate (however subtly), under the guise of supposed “Guidance”, the risk exists that short-term political ideologies may take precedence over local needs and (better-informed) local solutions.

While, at present, the Scottish Government has eschewed the notion of abolishing school uniforms (or dictating its content), the inevitable risk remains that incremental interference in school uniform policy, by means of “National Guidance”, will indeed undermine the strength and suitability of local uniform policies.

2. Cost

It is true that the cost of acquiring the school uniform can be substantial, especially for larger families with multiple school-age children.

However, in our respectful view:

- 2.1 First, the cost is far outweighed by the benefits, of which there are many (as set out above);
- 2.2 Second, the dilution (or removal) of a uniform policy would not actually reduce the cost to families, but would instead tend to increase the financial burden, with inevitable pressure on families to purchase other (corporate) branded items;
- 2.3 Third, any sensibly drafted school uniform policy can readily ensure that bespoke or “school-branded” items are kept to a minimum, allowing multiple elements of the uniform to be sourced from High Street retail outlets at minimum cost;
- 2.4 Fourth, for eligible families, the entire bespoke or “school-branded” uniform can be purchased within the Clothing Grant available;
- 2.5 Fifth, for non-eligible families, extensive support is available to allow good quality uniform items to be acquired through multiple Uniform Exchange & Recycling Schemes. These Schemes have emerged organically within East Renfrewshire, and provide innovative, accessible ways of acquiring recycled uniforms, in ways that preserve personal dignity.

On the issue of cost, a more effective and pragmatic way of reducing the financial burden on hard-pressed families may be to abolish VAT on adult-sized school uniforms.

Since such a fiscal measure would not be within its devolved competence, the Scottish Government may wish instead to focus its time and efforts on lobbying the UK Government to introduce such a change through the Westminster Parliament, rather than on drafting unnecessary “Guidance” on blazers, ties and socks.

3. Competition

We entirely agree that competition for the supply of school uniforms should be free and unrestricted.

Anti-competitive practices – such as exclusivity arrangements between a local authority (or school) and a single uniform retailer – should be deprecated. Such arrangements create the risk of restricting open market competition for the supply of school-branded items, and tend to increase cost to families.

If such an exclusivity arrangement were capable of being justified (and we concede that there may, exceptionally, be circumstances where it could be justified), any such arrangement should nevertheless be compliant with UK competition law, not least by being preceded by a fair competitive tender process, and must be subject to regular periodic review.

However, importantly, we are unaware of any such exclusivity arrangements between ERC and any uniform supplier. Indeed, we are unaware of any such exclusivity arrangement between any Scottish education authority and a uniform supplier.

If our understanding is correct, it merely highlights the absence of any real need for the proposed “National Guidance”.

Besides, if any such restrictive practices were in existence, to the detriment of parents, an effective remedy already exists to address it – by way of a complaint to the Competition & Markets Authority (“CMA”).

The CMA is already well aware of the competition issues that could conceivably arise in the field of school uniform supply (See CMA Response to this Consultation dated August 2022).

If there were any genuine risk of market distortion or anti-competitive practices in this area, the CMA would have been well, able and duty-bound, to address them.

It has not done so. Why not?

It can readily be inferred that the CMA has taken no such enforcement action because any risk that might exist has already been adequately addressed by the CMA (and its predecessor, the Office of Fair Trading (“OFT”)), by virtue of their extensive research into this area since 2006 – and by the CMA’s proportionate action to date, in the form of correspondence (in 2012, 2015 & 2019) to head teachers, school governing boards, uniform suppliers and the UK Government, reminding educational establishments and others of their obligations to avoid restrictive trade practices in this field of consumer supply.

If more were needed to be done, the CMA exists to deal with it. But there has plainly been no need for the CMA to do anything else.

Likewise, in our respectful opinion, there is no need for the Scottish Government to interfere, still less by way of “National Guidance” of some vague, unspecified content in this highly specialised field of consumer protection.

4. The Proposed “Principles”

Subject to the preceding comments, we turn to consider the “principles” which the Scottish Government proposes to incorporate into its “National Guidance”.

Many of these proposed “principles” are self-evident.

Some of them are vaguely expressed and difficult to understand.

Most of them broadly reflect the principles upon which existing local education authority uniform policies (including that of ERC) are already based. The overlap reinforces the conclusion that this entire exercise is quite unnecessary.

Two of the proposed “principles” merit specific comment:

4.1 The Guidance shall “be informed by the views of children”

The Scottish Government proposes that the “National Guidance” should be “informed by the views of children and young people”. Indeed that proposed principle appears to have been accorded some degree of primacy, in that it appears as the very first principle on the list.

In our opinion, this principle is misconceived and inappropriate.

Of course, at a superficial level, it may seem harmless enough for children to be asked for their views.

However, what is erroneous in the current drafting of the proposed principles is that:

- The principles entirely omit - indeed, appear to ignore - the views of parents, guardians and carers (who are, after all, the first and primary educators of children, the “adults in the room”, and the persons who will be expected find the money to buy this uniform);
- The views of children are being elevated above everything else – including, inexplicably, those of parents, guardians and carers;
- The views of children are at risk of being accorded a weight and pre-eminence far in excess of what is reasonable or proportionate; and

- In any event, this proposed principle fails to reflect the reality that such weight as might reasonably be capable of being attached to views collated from children would necessarily be diminished by reason of the varying ages, levels of maturity, intellectual abilities, and powers of comprehension, of the children so canvassed.

Notwithstanding those obvious inherent weaknesses in collated data of this nature, this proposed principle, if included, would oblige local authorities to expend valuable resources and time in canvassing juvenile views which, realistically, are unlikely to be of material statistical benefit.

It is a common misconception that children have a legal *right* to express their views on all matters affecting them – and, more significantly, that public authorities have a legal *obligation* to spend valuable time and money seeking those views, and only to make decisions that are “informed” by those views.

With respect, that is not correct.

No such general obligation exists in Scots law.

No doubt this “principle” is included in the proposed “Guidance” – and has been given primacy – due to the Scottish Government’s ongoing political ambition to incorporate the UNCRC (the United Nations Convention on the Rights of the Child, 1989) into Scots law, including Article 12 thereof which states a broad principle that every child who is capable of forming his or her own views has the right to be heard in matters affecting them.

However, to be clear, the UNCRC does not form part of Scots law.

The UNCRC is an international treaty. It operates on an international level only. It does not form part of the domestic law of the United Kingdom.

The Scottish Government’s abortive attempt last year to incorporate that international treaty into Scottish domestic law, by means of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, was blocked by the United Kingdom Supreme Court in October 2021. The Bill has never become law.

Therefore, as matters presently stand, there is no legal *obligation* on any Scottish local authority to comply with UNCRC.

Besides, Article 12, UNCRC (from which the Scottish Government’s first proposed “principle” appears to derive) is drafted in generic and broadly stated terms which were never intended to be, and are not capable of being, transposed without qualification to every domestic administrative act or decision. Even the UN Committee on the Rights of the Child has published explanatory “comments” on Article 12 setting out nine basic requirements or

qualifications for its proper application, none of which are reflected in the Scottish Government's proposed "principle".

In summary, this first proposed "principle" is misconceived.

4.2 The Guidance shall "recognise and build upon current good practice"

This "principle" is too vague and subjective.

What is "good practice"?

We know what it is. But some schools have abandoned uniform policy altogether; others have a limited policy; others still have an extensive and firmly enforced policy. Who in the Scottish Government is to decide which of these approaches represents "good" practice and which does not? The proposed "principle" is inherently uncertain.

We are grateful for the opportunity to contribute these views on the subject-matter of the Consultation.

Yours sincerely,

J. Stewart

Joint Chair

S. Reid

Joint Chair

ANNEX 2A

THE SCOTTISH GOVERNMENT'S HEALTH & WELL-BEING CENSUS

Extract from CONNECT website:

“CONNECT has been raising concerns over the last year about the so-called Health and Wellbeing Census (devised by Scottish Government, but rolled out to young people by many local authorities which are then the owners of the data, although it will be used by Scottish Government, researchers, academics and more). These concerns were shared by some Parent Councils and by the Scottish Children and Young People's Commissioner.

Our primary concerns - raised repeatedly with Scottish Government (officers as well as the Cabinet Secretary) - were around informed consent (by parents and young people), data collection and data storage/access and ownership. In particular, the lack of clarity about who, when and how the data could be accessed and used was a major concern.

A letter to the Scottish Government from the Office for Statistics Regulation [“OSR”] now confirms that this 'fudge' about who is responsible for, and who can access, the data is not in keeping with good practice (that's putting it nicely!)”

ANNEX 2B

COPY LETTER FROM
THE OFFICE FOR STATISTICS REGULATION
TO
THE SCOTTISH GOVERNMENT

“Dear Alastair

Health and Wellbeing Census in Scotland

I am writing about the Health and Wellbeing Census which has been taking place in schools in Scotland in the 2021/22 academic year.

The Health and Wellbeing Census is an innovative approach to statistics production by the Scottish Government. By developing standard questions and providing access to a digital survey platform to all 32 Scottish local authorities, the Scottish Government has provided the data infrastructure for local authorities to collect data on all children from P5 to S6 (approximately age 8.5 to 18) who attend publicly funded primary and secondary schools in Scotland. These data can then be used by the local authorities to support planning and service delivery and, once shared by local authorities, by the Scottish Government to produce statistics at a national level. This is the first year of the Census and local authorities who are participating have now completed the data collection for the academic year 2021/22.

We have been contacted by several individuals who have raised concerns with us regarding multiple aspects of the Health and Wellbeing Census. We have undertaken a high-level review against the Code of Practice of Statistics to allow us to look into these. This letter shares our findings.

Our remit does not extend to the regulation of the data that local authorities collect themselves. Our review, and this letter, has focused on the aspects of the co-ordination of the statistics that are the responsibility of the Scottish Government.

We commend the Scottish Government for its commitment to working to improve the data and statistics that are available about children and young people living in Scotland. This is something that we advocate. Developing and delivering a new national approach to gathering statistical information was always going to be an ambitious task. We acknowledge the challenges that you and local authorities have dealt with, which include significant negative media attention and the withdrawal of a number of local authorities from undertaking the Health and Wellbeing Census.

We consider that the Scottish Government under-estimated the significance that the new survey would have for parents, the wider public and users of statistics, and the extent of the questions and concerns that would arise from rolling out a new survey on this scale. Many of these questions and concerns have been raised publicly and via freedom of information requests to the Scottish Government. More could have been done by the Scottish Government to address these questions and concerns and support greater public confidence in the Health and Wellbeing Census.

We understand that the Health and Wellbeing Census is intended to run on a regular basis. In doing so, to support trustworthiness in these statistics, the Scottish Government must learn from its experiences this academic year and be more open, transparent and engage more fully with users in future. As part of this, we encourage you to act on our recommendations.

Provide greater clarity on the reasons for the chosen approach

There are existing statistical collections regarding young people in Scotland. These include the Health Behaviour in School-Aged Children Survey which collects data on a sample of young people and was last run in Scotland in 2022. Additionally, local authorities have historically carried out their own local data collections to help them plan and deliver the services they are legally required to do.

There is little published information on the development of the Health and Wellbeing Census, particularly on decisions by the Scottish Government to adopt a Census approach. It is important that those with an interest in the Health and Wellbeing Census are able to access this information.

- Scottish Government should ensure that the decisions made on the chosen approach are transparent and publicly accessible. Making this information available will support greater public understanding of the needs for and benefits of a Census approach. For example, where the views of children, parents or experts were sought, then it would be helpful to explain this process, including timeframes of the consultations or pilots.

Provide more information and reassurance on the data protection arrangements in place

The data protection arrangements for the Health and Wellbeing Census are complex. Local authorities will collect and hold responses provided by children and young people and share these with analysts at the Scottish Government using secure transfer systems. This means that there are several Data Controllers of the Health and Wellbeing Census data. The Scottish Candidate Number is being used as an identifier in the data.

- We recommend that Scottish Government seek further external assurance, such as that which can be provided by the Information Commissioner's Office, on the data protection arrangements that are in place at all stages of the Health and Wellbeing Census. We consider this is particularly important on issues outlined in the Health and Wellbeing Census: frequently asked questions, such as when and why local authorities may identify individual children from the responses provided, and the use of Health and Wellbeing Census data and linked datasets. This will support the trustworthiness of the Census with parents and the wider public.

Provide greater transparency on question development, testing and ethics approval

There has been significant media coverage and several freedom of information requests to the Scottish Government regarding the appropriateness of the question on sexual experience in the Health and Wellbeing Census that is asked to S4 (aged approximately 15 years) children and above.

Two other national surveys in Scotland ask questions about sexual experience to children and young people. Questions on sexual experience are asked to children aged 15 years and over in the Health Behaviour in School-Aged Children Survey, and to children aged 14 in the Growing up in Scotland Study Sweep 10. The Scottish Government team told us that the Health and Wellbeing Census sexual experience question asked to children in S4 upwards aligns with the Curriculum for Excellence Relationships, Sexual Health and Parenting (RSHP) educational resource.

- Scottish Government needs to review the approach it took to question development for the Health and Wellbeing Census. This should include learning from previous surveys, the consultation approach that was adopted and the legal and ethical governance arrangements that are in place for each age range, particularly for the sexual experience question.
- The outcomes of this review should be made publicly available, and we expect Scottish Government to act on learning from this review prior to the roll out of any future Health and Wellbeing Census. This will support the trustworthiness of future Health and Wellbeing Censuses.

Share your plans for the statistics with users

A number of local authorities have not participated in the Health and Wellbeing Census in the 2021/22 academic year. Once published, users may have issues about the quality of the new statistics produced from the data.

- Scottish Government must be transparent about the quality assurance processes it plans to undertake, particularly with regards to bias and limitations of the data. We expect Scottish Government to engage with us as it develops these plans.
- Scottish Government should keep users updated on its plans for the statistics and ensure that the views of users of the new statistics are informing these plans.
- We recommend that Scottish Government publish information on any proposed plans to share and link data with other organisations including the public benefits of this as soon as these become firmer.

We would like to thank your team for their continued cooperation. Please do not hesitate to get in touch if you would like to discuss any aspects of this letter further or if we can offer further help as you consider your response to these recommendations.

Yours sincerely

Ed Humpherson
Director General for Regulation"